

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

v.

Cr. No. 06-02T

ROBERT A. URCIUOLI,
FRANCES P. DRISCOLL,
PETER J. SANGERMANO, JR., and
ROGER WILLIAMS MEDICAL CENTER

ORDER

For the reasons stated in open court on July 19, 2006:

- 1) Defendants' motions to dismiss the indictment are hereby DENIED.
- 2) Defendants Frances P. Driscoll's and Peter J. Sangermano, Jr.'s motions for severance are hereby DENIED.
- 3) Defendants' motions to compel disclosure of exculpatory evidence are hereby GRANTED in the following respects:
 - a) Attorneys for the Government shall review the notes of the agents who interviewed Vincent Mesolella, and shall interview those agents, in order to determine whether Mr. Mesolella denied having had discussions with John Celona and/or whether Mr. Mesolella made any other statements to agents that may constitute Brady material and that are not reflected in the redacted 302s previously provided.
 - b) Attorneys for the Government shall review the notes of the agents who interviewed Mr. Celona, and shall interview those agents, in order to determine whether Mr. Celona made any statements to agents that may constitute Brady material and that are not reflected in the redacted 302s previously provided.
 - c) All such actions shall be completed, and any Brady material shall be provided to defense counsel, not later than August 2, 2006.

The motions are hereby DENIED in all other respects.


- 4) Defendant Robert A. Urciuoli's motion *in limine* to exclude those portions of the "Saylor Report" other than the conclusions relating to the employment of Mr. Celona is hereby GRANTED to the extent that, in its case-in-chief, the Government may not introduce nor refer to the findings contained in the remainder of the report.

The Court refrains from ruling, at this time, on the admissibility of the aforesaid conclusion portion of the report and/or whether the Government may be allowed to use any portion of the report for purposes of impeachment or rebuttal.

If Defendants offer any portion of the report, the Government is not precluded from inquiring about the purpose or scope of the report, the means by which it was prepared, or any effect it may have had on Defendant Urciuoli's state of mind.

- 5) Defendant Urciuoli's motion to continue trial is hereby DENIED.

IT IS SO ORDERED



Ernest C. Torres,
Chief Judge

Date: July 24, 2006